

PATTERSON, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DARRELL BREWSTER,

Plaintiff,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.
----- x

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

07 CV 4016 (RPP)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5/14/08</u>

WHEREAS, plaintiff commenced this action by filing a complaint on or about March 9, 2007 and filed an Amended Complaint on or about November 15, 2007, alleging that, among other things: that plaintiff was subjected to unconstitutional conditions of confinement at Riker's Island between approximately November 23, 2006 and March 2007.

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the claims raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendants City of New York, hereby agrees to pay plaintiff in the sum of \$3,500.00 (i.e., “three thousand and five hundred dollars and no cents”) in full satisfaction of all claims raised in the Amended Complaint and that were or could have been raised in this action, including claims for costs, expenses, and attorneys’ fees. In consideration for payment of this sum, plaintiff agrees to the dismissal of all of the claims against the City of New York and the individually named defendants and to release all defendants, their successors or assigned and all present or former officials, employees, representatives or agents of the City of New York, and the City of New York from any and all liability, claims, or rights of action arising from the allegations set forth in the Amended Complaint, including claims for costs, expenses and attorneys’ fees.

3. Plaintiff shall execute and deliver to defendants’ attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above and an Affidavit of Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff’s rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

DATED: New York, New York

~~April~~, 2008
May 9,

STROOCK & STROOCK & LAVAN,
LLP

By: 

JAMES L. BERNARD
KEVIN J. CURNIN
MICHELLE H. SCHOTT
180 Maiden Lane
New York, NY 10038-4982
Attorneys for Plaintiff
(212) 806-5400

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York

By: 

DEBORAH A. DORFMAN
Assistant Corporation Counsel
Corporation Counsel of the City of New
York, Attorney for N.Y.C. Defendants
100 Church Street, RM 2-185
New York, New York 10007
(212) 788-0408

May 14, 2008
SO ORDERED:



Hon. Robert P. Patterson
United States District Judge


m

DECLARATION OF SERVICE

DEBORAH A. DORFMAN, under penalty of perjury, declares pursuant to 28 U.S.C. §1746 that, on May13, 2008, I caused a true and correct copy of the Stipulation and Order of Settlement and Discontinuance, in the matter of *Darrell Brewster v. City of New York, et al.*, 07 Civ. 4016 (RPP), attached thereto, to be served by First Class Mail on Michelle Schott, Esq., attorney for plaintiff, at Stroock Stroock and Lavan, LLP, 180 Maiden Lane, New York, New York, 10038-4982, the address designated for that purpose.

Dated: New York, New York
May 13, 2008

By:

A handwritten signature in black ink, appearing to read 'Deborah A. Dorfman', written over a horizontal line.

Deborah A. Dorfman
Assistant Corporation Counsel

